

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of January 27, 2005.

Reconsideration of the Application is requested.

The Office Action

Claims 1, 2, 5-7, 16 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 1, 2, 5-7, 16 stand rejected under 35 U.S.C. §112, second paragraph.

Claims 1, 2, 5-7, 16 stand rejected under 35 U.S.C. §102(e) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Wagner (U.S. Patent No. 6,670,599).

Claims 19-20 do not appear to be examined.

Applicants Request Acknowledgement of Receipt of Supplemental IDS

Applicants request the Examiner acknowledge the receipt of Supplemental IDS filed by the Applicants on Jan. 6, 2005 which is attached to this paper for Examiner's convenience (Appendix A).

Non-Art Rejections

Applicants respectfully traverse the rejection of **claims 1, 2, and 5-7** under 35 U.S.C. §112, first paragraph, and 35 U.S.C. §112, second paragraph, as it is Applicants belief that the language of claim 1 is appropriate. However, to move the prosecution forward and clarify the claim language to the Examiner, Applicants propose the amendment which alleviates rejections of **claims 1, 2, and 5-7** under 35 U.S.C. §112, first paragraph, and 35 U.S.C. §112, second paragraph. It is to be appreciated that these amendments do not change the scope of the claims and are not made for the reasons of allowance. For the reasons stated, it is respectfully requested that 35 U.S.C. §112, first paragraph, and 35 U.S.C. §112, second paragraph rejections of **claims 1, 2, and 5-7** be withdrawn.

Applicants have failed to determine 35 U.S.C. §112, first paragraph, or 35 U.S.C. §112, second paragraph, grounds for rejection of **claim 16** since no particular reference to claim 16 was made in the Office Action. If the Examiner

maintains in rejecting claim 16 on either section 112 grounds, Applicants respectfully request the Examiner provide a concise statement containing the reasons for rejection.

Applicants Request the Wagner Reference be Withdrawn

The present application is a continuation-in-part application of a nonprovisional parent application No. 09/469,122, filed on Dec. 21, 1999, which shares at least one common inventor with the parent application, was filed during co-pendency of the parent application, and contains a specific reference to the parent application. As such, the present application is permitted to claim the benefit filing date of the filing date of the parent nonprovisional application. (MPEP 201.08).

Wagner, filed March 20, 2001, claims a filing date of the provisional application 60/192,950, filed on Mar. 29, 2000, provisional application 60/193,324, filed on Mar. 30, 2000, provisional application 60/193,326, filed on Mar. 30, 2000, and provisional application 60/193,410, filed on Mar. 31, 2000.

Applicants respectfully submit that since the subject matter relied on by the Examiner in rejecting **claims 1, 2, 5-7, 16** is explicitly found in the parent application (Page 5, lines 22-26, Figures 2-3), **Wagner** is not a valid prior art for examining the present application. Therefore, it is respectfully requested that **Wagner** be withdrawn.

CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (**Claims 1, 2, 5-7, 16, 19 and 20**) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

No additional fee is believed to be required for this Amendment B. However, the undersigned attorney of record hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Deposit Account No. 24-0037.


In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Marina V. Zalevsky, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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Date

4/19/05


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